

S/N: 10/602,789
Reply to Office Action of July 18, 2006

Atty Dkt No. UOM 0257 PUS

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Remarks

Claims 19-40 are pending in this application. By this response, no claims have been amended, added or canceled.

Applicants wish to thank the Examiner for extending the courtesy of a telephone interview on August 29, 2006 during which the specification support for claims 19 and 40 was discussed. Reconsideration of this application is respectfully requested in light of the following remarks.

Rejection of Claims under 35 U.S.C. § 112

Claims 19-40 have been rejected under 35 U.S.C. § 112, first paragraph, as the Examiner states that no support for the amendment of "without disposing the cells within an exogenous scaffold material" is found in the specification where previously indicated by Applicants. Applicants direct the Examiner's attention to p. 4, lines 7-9 of the specification where it states:

It is another object according to the present invention to provide a system and method for producing a tendon construct that self-organizes without the need for exogenous scaffolding.

Also see p. 14, lines 20-23 of the specification, where it states:

The present invention demonstrates the ability to induce primary tendon fibroblasts to secrete and organize their own ECM, and under the right conditions to self-assemble into three-dimensional constructs without the aid of exogenous scaffolding.

Claims 19-40 have also been rejected under 35 U.S.C. § 112, second paragraph, as the Examiner states that it is unclear what constitutes an "exogenous scaffold material." In addition to the above quotations from the specification from which it is clear that Applicants' tendon construct self-organizes without the need to dispose cells within a scaffold introduced

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from outside the system, Applicants direct the Examiner's attention, for example, to p. 2, line 28 - p. 3, line 9 of the specification where artificial or exogenous scaffolds, such as collagen, are described as is understood by those skilled in the art.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 19-40 under 35 U.S.C. § 112.

Conclusion

In summary, Applicants believe that the claims meet all formal and substantive requirements and that the case is in appropriate condition for allowance. Accordingly, such action is respectfully requested. If a telephone conference would expedite allowance of the case or resolve any further questions, such a call is invited at the Examiner's convenience.

Respectfully submitted,

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Date: September 18, 2006

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